

1 THE HONORABLE MARSHA J. PECHMAN
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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**

9 BOARD OF TRUSTEES OF THE
10 EMPLOYEE PAINTERS' TRUST, *et al.*,

11 Plaintiffs,

12 vs.

13 EAGLE INDUSTRIAL PAINTING, LLC, *et al.*,

Defendants.

CASE NO.: 2:21-cv-00598-MJP

**FIRST STIPULATED MOTION AND
ORDER TO EXTEND DEADLINE TO
RESPOND TO COMPLAINT AND
OTHER CASE DEADLINES**

NOTE ON MOTION CALENDAR:

14 The Plaintiffs, the Board of Trustees of the Employee Painters' Trust, *et al.* (collectively,
15 "Plaintiffs"), and the Defendants, Eagle Industrial Painting, LLC, Steve Zoumberakis, Old
16 Republic Surety Company, and International Fidelity Insurance Company (collectively,
17 "Defendants"), each acting by and through their undersigned counsel, hereby stipulate as follows:

18 **RECITALS**

19 A. WHEREAS, the Complaint in this matter was filed on May 4, 2021 [ECF No. 1];
20 B. WHEREAS, this matter has not been scheduled for trial and there are no motions
21 currently pending before the Court;

22 C. WHEREAS, on June 7, 2021, the Court issued its Order Regarding Initial
23 Disclosures, Joint Status Report, and Early Settlement [ECF No. 7] ("Initial Scheduling Order"),
24 setting the following dates for initial disclosure and submission of the Joint Status Report and
25 Discovery Plan:

**FIRST STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND
TO COMPLAINT AND OTHER CASE
DEADLINES**

Case No. 2:21-cv-00598-MJP

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Counsel for the Plaintiffs

- 1 i. Deadline for FRCP 26(f) Conference: 7/6/2021;
2 ii. Initial Disclosures Pursuant to FRCP 26(a)(1): 7/12/2021; and
3 iii. Combined Joint Status Report and Discovery Plan as Required by FRCP
4 26(f) and Local Civil Rule 26(f): 7/19/2021;

5 D. WHEREAS, all Defendants have been served with a copy of the Summons and
6 Complaint [ECF Nos. 9, 10, 14 & 15];

7 E. WHEREAS, Notices of Appearance have been filed for each Defendant [ECF Nos.
8 8, 11 & 13];

9 F. WHEREAS, a copy of the Initial Scheduling Order was provided to counsel for
10 Defendants by Plaintiffs' counsel;

11 G. WHEREAS, the Defendants have not filed an answer or responsive pleading;

12 H. WHEREAS, counsel for Plaintiffs and Defendants have had initial conferences
13 regarding this matter and all agree that early settlement is likely and in the best interests of all
14 parties;

15 I. WHEREAS, Plaintiffs and Defendants have begun informally exchanging
16 documents to further the possibility of settlement; and

17 J. WHEREAS, Plaintiffs and Defendants desire to extend the Defendants'
18 responsive pleading deadline and other deadlines in this matter to allow time for the parties to
19 explore settlement before significant fees and costs are incurred.

20 NOW, THEREFORE, Plaintiffs and Defendants hereby stipulate and move the Court as
21 follows:

22 1. Plaintiffs and Defendants hereby move the Court for an extension of all
23 Defendants' deadlines to answer or otherwise respond to the Complaint to August 6, 2021.

24 2. Plaintiffs and Defendants propose that the other deadlines set in the Initial
25 Scheduling Order be extended as follows:

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Counsel for the Plaintiffs

- 1 a. Deadline for FRCP 26(f) Conference: 8/6/2021;
2 b. Initial Disclosures Pursuant to FRCP 26(a)(1): 8/13/2021; and
3 c. Combined Joint Status Report and Discovery Plan as Required by FRCP
4 26(f) and Local Civil Rule 26(f): 8/20/2021.

5 3. This is the first request for an extension of time to file responsive pleadings or for
6 any case deadlines and is not requested to cause delay or for any other improper purpose.

7 DATED this 12th day of July, 2021.

8 CHRISTENSEN JAMES & MARTIN

9 By: /s/ Wesley J. Smith

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Counsel for Defendant International Fidelity Insurance Company

ORDER

20 1. The Court extends all Defendants' deadlines to answer or otherwise respond to the
21 Complaint to August 6, 2021.

22 2. The other deadlines set in the Initial Scheduling Order are extended as follows:

23 a. Deadline for FRCP 26(f) Conference: 8/6/2021;

24 b. Initial Disclosures Pursuant to FRCP 26(a)(1): 8/13/2021; and

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1 c. Combined Joint Status Report and Discovery Plan as Required by FRCP
2 26(f) and Local Civil Rule 26(f): 8/20/2021.

3 **SO ORDERED.**

4 DATED JULY 13, 2021.

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7 Marsha J. Pechman
United States Senior District Judge

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